REMARKS

I.   Introduction

The Final Action again rejects claims 1-24 under 35 U.S.C. 102(e). This Response amends claim 14 to correct a typographical error, and traverses the outstanding rejections of the pending claims. In light of the remarks below, the Applicant respectfully asks the Examiner to reconsider and withdraw the outstanding rejections.

II.   Arguments

Each of the pending claims stands rejected as anticipated by Shambroom, U.S. Patent No. 5,923,756 (hereinafter *Shambroom*). However, the Applicant respectfully asserts that each of the pending claims contains limitations not taught by *Shambroom*, therefore, each of the pending claims is patentable over this reference.

A.   Independent Claim 1

Independent claim 1 is directed to a method for executing a data operative transaction in a network that includes the following steps:

> generating a data entry related to the progress of said data operative transaction in a destination database; and
> preserving said association of said data entry with said data operative transaction in said destination database so long as said data operative transaction is active in said network

In the Preliminary Amendment filed April 2, 2004 (hereinafter "Preliminary Amendment"), the Applicant distinguished the temporary records created by the shell program of *Shambroom* from the "data entry" of claim 1 by pointing out that these temporary records are merely a user's identity and a timestamp. Thus, they do not relate to the progress of a data operative transaction. The Office Action mailed June 4, 2004 (hereinafter "First Action") did not address the Applicant's distinguishing argument, but, rather, compounded the rejection by equating the "data entry" of claim 1, to unspecified "additional information which will be used to encrypt future transmissions between client 200 and network server 300," *See* First Action at 1, to a "data login form" sent from network server 300 to client 200, to a "login data" returned by client 200 to network server 300, *See* First Action at 2, and to the time/date

stamp and requester identity information used by *Shambroom* to create an audit trail. In the response filed September 22, 2004 (hereinafter "Previous Response"), the Applicant pointed out that the M.P.E.P. requires the examiner to identify one item from *Shambroom* and show that this one item meets all the limitations claim 1 requires of a "data entry," but the Final Action, mailed February 23, 2005 (hereinafter "Final Action"), merely repeated the rejection of the First Action verbatim without addressing any of the points raised by the either the Preliminary Amendment or the Previous Response.

The Applicant respectfully reminds the Examiner that, in order to maintain an anticipation rejection using *Shambroom*, M.P.E.P. 2131 requires the Examiner to identify a single element of *Shambroom* that has all of the features and limitations claim 1 requires of a "data entry." In the rejection of record, the Examiner has relied on each of "additional information," "data login form," "data login," and date/time stamp and requester identity information to meet the various limitations of a "data entry." However, "additional information" appears to be an encryption key generated by a third party, "data login form" is generated by what the Examiner has identified as the destination, the "login data" is generated by what the Examiner has identified as the source, and audit trail is held in a database independently of the other three. Thus, they can not together be considered a single "data entry." In order to provide the Applicant with a means to accurately weigh the merits of an appeal, the Applicant respectfully asks the Examiner to, for the record, specifically identify which element of *Shambroom* the Examiner considers to be the "data entry" of claim 1.

Further, the applicant respectfully asks the Examiner to address the Applicant's distinguishing arguments from the Preliminary Amendment and Previous Response. A "data entry" of claim 1 must be related to the progress of a data operative transaction. The Applicant has previously demonstrated that none of the items identified ("addition information", "data login form", "login data", date/time stamp and requester identity information) actually related to the progress of a data operative transaction, thus the distinguishing arguments from the Preliminary Amendment and the Previous response remained unaddressed. In order to accurately weigh the merits of an appeal, the Applicant respectfully asks the Examiner to, for the record, explain 1) how the Examiner's chosen element relates to the progress of a data operative transaction; and 2) what aspect of

Shambroom preserves an association of the chosen element with the data operative transaction. Failing these showings, the Applicant respectfully asserts that *Shambroom* can not be shown to anticipate claim 1, and respectfully asks the Examiner withdraw the rejection.

B.   Independent Claim 14

Independent claim 14 is directed to a system for reliably executing a data operative transaction that includes the following structures:

> a reservation database at said destination site for storing
> information uniquely identifying said data operative transaction and for
> storing information tracking the progress of said data operative transaction

In the Preliminary Amendment, the Applicant distinguished this system from the reference of record by pointing out that, among other things, *Shambroom* does not teach tracking the progress of a data operative transaction. Specifically, the identity and date recordations made by the shell program cited by the Examiner are limited to merely indicating the identity of the requester and the time of the request. Such a notation does not track the progress of a data operative transaction. In the First Action, the Examiner did not address the Applicant's argument, but, rather, quoted the same section of *Shambroom* relied on previously. In the Previous Response, the Applicant pointed out that the aspects of *Shambroom* quoted by the Examiner taught the same connection-established notations the Applicant had distinguished in the Preliminary Amendment, and reiterated that the mere notation of a time and identity does not track the progress of a data operative transaction. Without responding to the Applicant's argument, the Final Action merely reproduces the rejection of the First Action verbatim.

The Applicant respectfully points out that, in order for the Examiner to maintain an anticipation rejection using *Shambroom,* M.P.E.P. 2131 requires the Examiner to show every feature of claim 14 to be taught by *Shambroom*. The Applicant also respectfully points out that neither the Previous nor the Final Actions address the Applicant's distinguishing arguments, and, again, respectfully assert that *Shambroom* fails to teach the storing of information tracking the progress of a data operative transaction. In order to accurately weigh the merits of an appeal, the Applicant respectfully asks the Examiner to, for the record,

specifically detail which aspect of *Shambroom* the Examiner believes teaches this limitation. Failing this, the Applicant respectfully asserts that *Shambroom* can not be shown to anticipate claim 14, and respectfully asks the Examiner withdraw the rejection.

C.   Independent Claim 20

Independent claim 20 is directed to a system for executing a data operative transaction in a network that includes:

> means for establishing a plurality of data entries related to the progress of said data operative transaction in a destination database; and
> means for preserving said data entries in said destination database so long as said data operative transaction is active in said network.

In the Preliminary Amendment, the Applicant distinguished this system from the reference of record by pointing out that, among other things, *Shambroom* did not teach data entries related to the progress of a data operative transaction. Specifically, the citations the Examiner relies upon describe client-authentication information which are not related to the progress of a data operative transaction. In the First Action, the Examiner did not address the Applicant's argument, but, rather, quoted the same sections of *Shambroom* relied on to previously reject this claim. In the Previous Response, the Applicant again pointed out that the aspects of *Shambroom* quoted by the Examiner taught the same authentication information the Applicant distinguished in the Preliminary Amendment, but, without responding to the Applicant's argument, the Examiner reproduced the rejection of the First Action verbatim in the Final Action.

The Applicant respectfully points out that, in order for the Examiner to maintain an anticipation rejection using *Shambroom,* M.P.E.P. 2131 requires the Examiner to show every feature of claim 20 to be taught by *Shambroom*. The Applicant also respectfully points out that neither the Previous nor the Final Actions explain why the Applicant's distinguishing arguments are inadequate. The Applicant respectfully asserts that *Shambroom* fails to teach the data entries described by claim 20, because, among other things, the client authentication information relied on by the Examiner doe not relate to the progress of a data operative transaction. In order to accurately weigh the merits of an appeal, the Applicant respectfully asks the Examiner to, for the record, specifically detail which aspect of *Shambroom* the

Examiner believes teaches this limitation. Failing this, the Applicant respectfully asserts that *Shambroom* can not be shown to anticipate claim 20, and respectfully asks the Examiner withdraw the rejection.

D.   Independent Claim 24

Independent claim 24 is directed to a method for executing a memory device control transaction that includes the steps:

> establishing a plurality of data entries related to the progress of said memory device control transaction in a destination database; and
> preserving said association of said data entry with said memory device control transaction in said destination database so long as said transaction is active in said network.

In the Preliminary Amendment, the Applicant distinguished this system from that of the reference of record by pointing out that "client-authenticating information" used to access a destination server is not "data entries related to the progress of a memory device control transaction." In the First Action, the Examiner did not address the Applicant's argument, but, rather, quoted the same sections of *Shambroom* relied on to reject other claims. In the Previous response, the Applicant again distinguished claim 24, by demonstrating that the multiple elements relied on by the Examiner as "data entries" do not posses the limitations claim 24 requires of "data entries."

The Applicant respectfully points out that, in order for the Examiner to maintain an anticipation rejection using *Shambroom,* M.P.E.P. 2131 requires the Examiner to show every feature of claim 20 to be taught by *Shambroom.* The Applicant also respectfully points out that neither the Previous nor the Final Actions address the Applicant's distinguishing arguments, namely that the "client authentication information" of *Shambroom* relied on by both the First and Final Actions are not related to the progress of a memory device control transaction. "Client-authentication information" is a reference to separate elements of *Shambroom*, a "data login form" sent from network server 300 to client 200 and a "login data" returned by client 200 to network server 300 that *Shambroom* uses to acquire an encryption key. As demonstrated in both the Preliminary Amendment and the Previous Response, *Shambroom 's* authentication of a client who is requesting access to a server contains no information about the progress of a memory device control transaction. In order

to accurately weigh the merits of an appeal, the Applicant respectfully asks the Examiner to, for the record, specifically detail which aspect of *Shambroom* the Examiner believes relates to the progress of a memory device control transaction. Failing this, the Applicant respectfully asserts that *Shambroom* can not be shown to anticipate claim 24, and the Applicant respectfully asks the Examiner to withdraw the rejection.

In addition, the citations the Examiner relies upon lead to the conclusion that the Examiner is using separate elements of the *Shambroom* system to meet the various limitations claim 24 requires of its "data entries." Specifically, the Examiner appears to rely on "client-authenticating information" (a reference to the "data login form" and "login data" used by *Shambroom* to acquire encryption keys) as data entries related to the progress of a memory device control transaction, and, at the time and requester identity records be the "data entries" whose association with a memory device control transaction is preserved in the audit trail. The Applicant respectfully asserts that none of these elements actually teach the limitations for which they are asserted, but respectfully point out that, in claim 204 the same "data entries" must: 1) be related to a memory device control transaction; and 2) have their association with the memory device control transaction be preserved in the destination database so long as the transaction is active in the network. The M.P.E.P. does not permit the Examiner to use one set of "data entries" to meet the first limitation and a different set of data entries to meet the second. In order to accurately weigh the merits of an appeal, the Applicant respectfully asks the Examiner to, for the record, to specifically identify which element of *Shambroom* the Examiner feels has all the limitations claim 24 requires of "data entries." Failing this, the Applicant respectfully asserts that *Shambroom* can not be shown to anticipate claim 24, and respectfully asks the Examiner withdraw the rejection.

E.   The Dependent Claims

The Final Action also rejects claims 2–13, 15–19, and 21–23 as being anticipated by *Shambroom*. However, claims 2–13 and 21 depend from claim 1, claims 15–19 and 22 depend from claim 14, and claim 23 depends directly from claim 20. While each of claims 2–13, 15–19, and 21–23 recites limitations that make the me patentable in their own right, each is at least patentable for depending from a patentable base claim. Therefore, the

Applicants respectfully ask the Examiner to withdraw the rejections of claims 2–13, 15–19, and 21–23 as well.

III.   Conclusion

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10992150-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail, Airbill No. EV375345670US in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: April 22, 2005

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Respectfully submitted,

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